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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,283	03/07/2002	Devon James Kemp	03630.000300	7736
5514	7590	12/19/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			PAPANIKOLAOU, ATHANASIOS T	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	

2627

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,283

Applicant(s)

KEMP ET AL.

Examiner

Athanasios Tom Papanikolaou

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/7/02
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The references listed in the Information Disclosure Statement submitted on 3/7/02 have been considered by the examiner (see attached PTO-1449).

Identical Feature Claims

2. Claims 10 through 17 recite identical features as claims 1 through 9 except claims 10-17 are computer executable process claims. The methods of claims 1-9 could not function unless embodied as computer executable processes. Therefore, arguments similar to that presented below for claims 1-9 are equally applicable to claims 10-17.

Claims 19 through 27 recite identical features as claims 1 through 9 except claims 19-27 are computer executable process claims on a computer-readable medium. The methods of claims 1-9 could not function unless embodied as computer executable processes on a computer-readable medium. Therefore, arguments similar to that presented below for claims 1-9 are equally applicable to claims 19-27.

Claims 28 through 36 recite identical features as claims 1 through 9, respectively, except claims 28-36 are apparatus claims. Thus arguments similar to that presented below for claims 1-9 are equally applicable to claims 28-36

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 7, 10-12, 16, 19-21, 25, 28-30, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Chapin et al. (U.S. Patent Application Publication 2003/0160989 A1).

Regarding claim 1, Chapin discloses **a method for creating a locally managed instance of a printer on a workstation which communicates to the printer over a peer-to-peer network, comprising the steps of: selecting an option to create a locally managed instance of the printer (see Fig. 4 and paragraph 15, lines 5-12); inputting an identifier of the printer (paragraph 19, lines 1-8); in response to the input identifier, automatically obtaining printer configuration information and print driver information based at least in part on the input identifier (paragraph 20, lines 10-12); automatically configuring the printer and installing a print driver based on the obtained printer configuration information and print driver information (paragraph 20, lines 12-17); and creating the locally managed instance of the printer (paragraph 20, lines 12-13).**

Regarding claim 2, Chapin discloses the dependency of claim 1 and further discloses **wherein the identifier is a network address of the printer** (paragraph 19, lines 7-8, IP address is a network address).

Regarding claim 3, Chapin discloses the dependency of claim 2 and further discloses **wherein the network address is an IP address** (paragraph 19, lines 7-8).

Regarding claim 7, Chapin discloses the dependency of claim 2 and further discloses **wherein the printer configuration information and the print driver information are automatically obtained from a remote device on the network** (paragraph 19).

Claims 10-12, 16, 19-21, 25, 28-30, and 34 are rejected under the arguments stated above for claims 1-3, and 7, as previously disclosed in the 'Identical Feature Claims' section.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 5, 13, 14, 22, 23, 31, and 32 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Chapin in view of Gu et al. (U.S. Patent Application Publication 2005/0240665 A1).

Regarding claim 4, Chapin discloses the dependency of claim 1 as stated above.

Chapin does not disclose expressly **wherein the identifier is a DNS name**.

However, Gu discloses **wherein the identifier is a DNS name** (paragraph 187, lines 10-12).

Chapin and Gu are combinable because they are from the same field of endeavor namely device configuration. At the time of the invention it would have been obvious to a person of ordinary skill in the art to have Chapin's method include the identifier as a DNS name, as taught by Gu. The suggestion or motivation for doing so would have been that Chapin's method could include receiving an input of a printer name and having the printer name resolved to the printer's IP address to establish communication. Furthermore, DNS is an industry standard for resolving a device name to an IP address. Therefore, it would have been obvious to combine the teachings of Gu with the method of Chapin to obtain the invention in claim 4.

Regarding claim 5, Chapin discloses the dependency of claim 1 as stated above.

Chapin does not disclose expressly **wherein the identifier is a NetBios name**.

However, Gu discloses **wherein the identifier is a NetBios name** (paragraph 187, lines 10-12).

Chapin and Gu are combinable because they are from the same field of endeavor namely device configuration. At the time of the invention it would have been obvious to a person of ordinary skill in the art to have Chapin's method include the identifier as a NetBios name, as taught by Gu. The suggestion or motivation for doing so would have been that Chapin's method could conform with an industry standard of naming a device with a NetBios name, and resolving the name to the device's IP

address. Therefore, it would have been obvious to combine the teachings of Gu with the method of Chapin to obtain the invention in claim 5.

Claims 13, 14, 22, 23, 31, and 32 are rejected under the arguments stated above for claims 4 and 5, as previously disclosed in the 'Identical Feature Claims' section.

6. Claim 6, 15, 24, and 33 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Chapin in view of Grasso et al. (U.S. Patent Application Publication 2002/0116291 A1).

Regarding claim 6, Chapin discloses the dependency of claim 1 as stated above.

Chapin does not disclose expressly **wherein the printer is a virtual printer**.

However, Grasso discloses **wherein the printer is a virtual printer** (paragraph 23, lines 4-5).

Chapin and Grasso are combinable because they are from the same field of endeavor namely device configuration. At the time of the invention it would have been obvious to a person of ordinary skill in the art to have Chapin's method include the printer as a virtual printer, as taught by Grasso. The suggestion or motivation for doing so would have been that Chapin's method could include a way of saving printer output when the user wants to print a file but the printer is busy. The file can be "printed" to disk, where it is saved and then sent to the printer when it is no longer busy. Therefore, it would have been obvious to combine the teachings of Grasso with the method of Chapin to obtain the invention in claim 6.

Claims 15, 24, and 33 are rejected under the arguments stated above for claim 6, as previously disclosed in the 'Identical Feature Claims' section.

7. Claim 8, 17, 26, and 35 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Chapin in view of Pang et al. (U.S. Patent 6,804,718 B1).

Regarding claim 8, Chapin discloses the dependency of claim 7 as stated above.

Chapin does not disclose expressly **wherein the remote device is an FTP server.**

However, Pang discloses **wherein the remote device is an FTP server** (paragraph 9, lines 51-52).

Chapin and Pang are combinable because they are from the same field of endeavor namely data transfer and computing devices. At the time of the invention it would have been obvious to a person of ordinary skill in the art to have Chapin's method include the remote device as an FTP server, as taught by Pang. The suggestion or motivation for doing so would have been that Chapin's method could include a server that stores driver files and makes them available to client computers on the Internet via FTP. Therefore, it would have been obvious to combine the teachings of Pang with the method of Chapin to obtain the invention in claim 8.

Claims 17, 26, and 35 are rejected under the arguments stated above for claim 8, as previously disclosed in the 'Identical Feature Claims' section.

8. Claim 9, 18, 27, and 36 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Chapin in view of Russell et al. (U.S. Patent Application Publication 2003/0055958 A1).

Regarding claim 9, Chapin discloses the dependency of claim 1 as stated above.

Chapin does not disclose expressly **further comprising automatically creating a port for communication with the printer.**

However, Russell discloses **further comprising automatically creating a port for communication with the printer** (paragraph 28, lines 4-7).

Chapin and Russell are combinable because they are from the same field of endeavor namely data transfer and printing devices. At the time of the invention it would have been obvious to a person of ordinary skill in the art to have Chapin's method include automatically creating a port for communication with the printer, as taught by Russell. The suggestion or motivation for doing so would have been that Chapin's method could include an interface through which data is sent and received and conform to industry standards of designating port numbers for different kinds of IP traffic. Therefore, it would have been obvious to combine the teachings of Russell with the method of Chapin to obtain the invention in claim 9.

Claims 18, 27, and 36 are rejected under the arguments stated above for claim 9, as previously disclosed in the 'Identical Feature Claims' section.

Citation of Pertinent Prior Art

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Salgado et al. (U.S. Patent Application Publication 2002/0067504 A1) discloses method and apparatus for automatic upgrade of a products printer driver.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Athanasios Tom Papanikolaou whose telephone number is (571) 272-7953. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Athanasios Tom Papanikolaou

JOSEPH R. POKRZYWA
PRIMARY EXAMINER
ART UNIT 2622
